

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KLAUBER BROTHERS, INC.,

Plaintiff,

-against-

19 **CIVIL** 9321

JUDGMENT

QVC, INC., QUARATE RETAIL GROUP, INC.,
XCEL BRANDS, LAI APPAREL DESIGN, INC.,
and DOES 1-10,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated November 30, 2020, the Court concludes: Plaintiff has adequately alleged the existence of a valid copyright over each of the designs at issue in the case. Plaintiff has alleged substantially similarity with respect to Design A and Design D. As a matter of law, Defendants' products are not substantially similar to Plaintiff's other five designs. Plaintiff has failed to plead Defendants' knowledge of or access to its designs sufficient to sustain Plaintiffs' direct copyright infringement claims. Plaintiff has failed to plead knowledge sufficient to plausibly allege a contributory copyright infringement claim. Plaintiff's vicarious liability claim must be dismissed because Plaintiff has failed to allege a primary infringement violation. Defendants' Motion to Dismiss Plaintiff's First Amended Complaint is GRANTED; accordingly, this case is closed.

Dated: New York, New York

November 30, 2020

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk